

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE: PARAGARD PRODUCTS  
LIABILITY LITIGATION

: MDL DOCKET NO. 2974

:

:

This document relates to:

: 1:20-md-02974-LMM

:

:

vs.

: Civil Action No.: \_\_\_\_\_

:

TEVA PHARMACEUTICALS  
USA, INC.; TEVA WOMEN'S  
HEALTH, LLC; TEVA BRANDED  
PHARMACEUTICAL PRODUCTS  
R&D, INC; THE COOPER  
COMPANIES, INC.;  
COOPERSURGICAL, INC.

:

:

:

:

:

:

---

**SHORT FORM COMPLAINT**

Come(s) now the Plaintiff(s) named below, and for her/their Complaint  
against the Defendant(s) named below, incorporate(s) the Second Amended Master  
Personal Injury Complaint (Doc. No. 79), in MDL No. 2974 by reference.

Plaintiff(s) further plead(s) as follows:

1. Name of Plaintiff placed with Paragard: \_\_\_\_\_

\_\_\_\_\_

2. Name of Plaintiff's Spouse (if a party to the case): \_\_\_\_\_

\_\_\_\_\_

3. If case is brought in a representative capacity, Name of Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

---

4. State of Residence of each Plaintiff (including any Plaintiff in a representative capacity) at time of filing of Plaintiff's original complaint: \_\_\_\_\_
- 

5. State of Residence of each Plaintiff at the time of Paragard placement: \_\_\_\_\_
- 

6. State of Residence of each Plaintiff at the time of Paragard removal: \_\_\_\_\_
- 

7. District Court and Division in which personal jurisdiction and venue would be proper: \_\_\_\_\_
- 

8. Defendants. (Check one or more of the following five (5) Defendants against whom Plaintiff's Complaint is made. The following five (5) Defendants are the only defendants against whom a Short Form Complaint may be filed. No other entity may be added as a defendant in a Short Form Complaint.):

- ☐ A. Teva Pharmaceuticals USA, Inc.
- ☐ B. Teva Women's Health, LLC
- ☐ C. Teva Branded Pharmaceutical Products R&D, Inc.
- ☐ D. The Cooper Companies, Inc.
- ☐ E. CooperSurgical, Inc.

9. Basis of Jurisdiction

- ☐ Diversity of Citizenship ([28 U.S.C. § 1332\(a\)](#))
- ☐ Other (if Other, identify below):
- 

10.

Date(s) Plaintiff had Paragard placed (DD/MM/YYYY)	Placing Physician(s) or other Health Care Provider (include City and State)	Date Plaintiff's Paragard was Removed (DD/MM/YYYY)*  *If multiple removal(s) or attempted removal procedures, list date of each separately.	Removal Physician(s) or other Health Care Provider (include City and State)**  **If multiple removal(s) or attempted removal procedures, list information separately.
		26/09/2017	Mouhamed El Zufari, M.D., The Woodlands, TX
		06/11/2017	Mark E. Nichols, M.D. Conroe, TX
		27/11/2017	Mark Nichols, M.D., Conroe, TX

11. Plaintiff alleges breakage (other than thread or string breakage) of her Paragard upon removal.

☐ Yes

☐ No

12. Brief statement of injury(ies) Plaintiff is claiming:

~~The ParaGard IUD broke upon removal, which required additional medical procedures that Plaintiff would not have otherwise had to endure. Moreover, she suffered pain and loss of her reproductive health.~~  
Plaintiff reserves her right to allege additional injuries and complications specific to her.

13. Product Identification:

a. Lot Number of Paragard placed in Plaintiff (if now known):

511004

b. Did you obtain your Paragard from anyone other than the HealthCare Provider who placed your Paragard:

☐ Yes

☐ No

14. Counts in the Master Complaint brought by Plaintiff(s):

☐ Count I – Strict Liability / Design Defect

☐ Count II – Strict Liability / Failure to Warn

☐ Count III – Strict Liability / Manufacturing Defect

☐ Count IV – Negligence

☐ Count V – Negligence / Design and Manufacturing Defect

☐ Count VI – Negligence / Failure to Warn

- ☐ Count IX – Negligent Misrepresentation
  - ☐ Count X – Breach of Express Warranty
  - ☐ Count XI – Breach of Implied Warranty
  - ☐ Count XII – Violation of Consumer Protection Laws
  - ☐ Count XIII – Gross Negligence
  - ☐ Count XIV – Unjust Enrichment
  - ☐ Count XV – Punitive Damages
  - ☐ Count XVI – Loss of Consortium
  - ☐ Other Count(s) (Please state factual and legal basis for other claims not included in the Master Complaint below):
- 
- 

15. “Tolling/Fraudulent Concealment” allegations:

a. Is Plaintiff alleging “Tolling/Fraudulent Concealment”?

☐ Yes

☐ No

b. If Plaintiff is alleging “tolling/fraudulent concealment” beyond the facts alleged in the Master Complaint, please state the facts and legal basis applicable to the Plaintiff in support of those allegations below:

N/A

---

16. Count VII (Fraud & Deceit) and Count VIII (Fraud by Omission) allegations:

a. Is Plaintiff bringing a claim under Count VII (Fraud & Deceit), Count VIII (Fraud by Omission), and/or any other claim for fraud or misrepresentation?

☐ Yes

☐ No

b. If Yes, the following information must be provided (in accordance with Federal Rule of Civil Procedure 8 and/or 9, and/or with pleading requirements applicable to Plaintiff's state law claims):

i. The alleged statement(s) of material fact that Plaintiff alleges was false: N/A

\_\_\_\_\_

ii. Who allegedly made the statement: N/A

\_\_\_\_\_

iii. To whom the statement was allegedly made: N/A

\_\_\_\_\_

iv. The date(s) on which the statement was allegedly made:

N/A

17. If Plaintiff is bringing any claim for manufacturing defect and alleging facts beyond those contained in the Master Complaint, the following information must be provided:

a. What does Plaintiff allege is the manufacturing defect in her Paragard? N/A

18. Plaintiff's demand for the relief sought if different than what is alleged in the Master Complaint: N/A

---

19. Jury Demand:

- ☐ Jury Trial is demanded as to all counts
- ☐ Jury Trial is NOT demanded as to any count

s/ Min J. Koo  
Attorney(s) for Plaintiff

Address, phone number, email address and Bar information:

Min J. Koo (GA 140984)  
Tosi Law, LLP  
1201 West Peachtree Street, Suite 2300  
Atlanta, GA 30309  
P:(404) 795-5061  
MKoo@TosiFirm.com